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SENATE BILL 6144

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State of Washington

54th Legislature

1996 Regular Session

By Senators Swecker and Morton

Read first time 01/08/96. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to water supply augmentation; amending RCW  
2 90.03.370; adding new sections to chapter 90.03 RCW; adding a new  
3 section to chapter 90.44 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that adequate  
6 water supplies are essential to meet the needs of the state's growing  
7 population and economy.

8 (2) The legislature finds that in many basins there is insufficient  
9 water on a seasonal basis to meet the demands of the state's population  
10 and economy without further jeopardizing adequate flows for fish and  
11 other instream resources. The legislature finds in several basins that  
12 instream flows are currently below desired levels for certain periods  
13 of the year and that augmentation of these flows would be of  
14 significant public benefit.

15 (3) The legislature finds that in many basins in the state there is  
16 water available on a seasonable basis that is in excess of the needs of  
17 either existing water right holders or instream resources. The  
18 legislature finds that excess flows often result in significant  
19 flooding and damage to public and private resources. Further, the

1 impoundment of excess water can be used to help even out flows  
2 throughout the year, extend water supplies for beneficial uses, and  
3 recharge ground waters that are in hydraulic continuity with other  
4 ground and surface waters. The legislature finds there is a range of  
5 alternatives for impounding water that should be encouraged including  
6 those that have multiple attributes such as the creation, restoration,  
7 and enhancement of ponds and wetlands.

8 (4) The legislature finds that the public at large and each  
9 individual member of the public is dependent upon and benefits from an  
10 adequate water supply and that augmenting currently insufficient water  
11 supplies is in the public interest.

12 (5) The purpose of this act is to foster the improvement in  
13 existing water supplies available to meet the needs of the state's  
14 growing population, economy, and instream resources. It is the goal of  
15 this act to strengthen the state's economy while maintaining and  
16 improving the overall quality of the state's environment.

17 NEW SECTION. **Sec. 2.** The legislature declares that state  
18 government shares the responsibility of providing the means to assure  
19 that adequate water supplies exist for the benefit of the citizens of  
20 the state. It is the policy of the state to facilitate the impoundment  
21 of water during the time that excess waters are available for release  
22 and use during the time that water supplies are inadequate to fulfill  
23 the needs.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW  
25 to read as follows:

26 The department of ecology shall, when evaluating an application for  
27 a water right filed pursuant to RCW 90.03.250 or 90.03.380, take into  
28 consideration the positive net benefits of water impoundments that are  
29 included as a component of the proposed project. The department's  
30 consideration shall extend to the increased water supply that results  
31 from the impoundment and shall include any recharge of ground water  
32 that may occur.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW  
34 to read as follows:

35 The department of ecology shall, as a matter of high priority,  
36 process applications for water rights, filed pursuant to RCW 90.03.250

1 or 90.03.380, that include the impoundment of water or other means of  
2 mitigating or augmenting existing water supplies.

3 **Sec. 5.** RCW 90.03.370 and 1987 c 109 s 93 are each amended to read  
4 as follows:

5 All applications for reservoir permits shall be subject to the  
6 provisions of RCW 90.03.250 through 90.03.320. But the party or  
7 parties proposing to apply to a beneficial use the water stored in any  
8 such reservoir, and any associated ground water recharge, shall also  
9 file an application for a permit, to be known as the secondary permit,  
10 which shall be in compliance with the provisions of RCW 90.03.250  
11 through 90.03.320. Such secondary application shall refer to such  
12 reservoir as its source of water supply and shall show documentary  
13 evidence that an agreement has been entered into with the owners of the  
14 reservoir for a permanent and sufficient interest in ((said)) the  
15 reservoir to impound enough water, including any ground water recharge  
16 that occurs as a result of the impoundment, for the purposes set forth  
17 in ((said)) application. When the beneficial use has been completed  
18 and perfected under the secondary permit, the department shall take the  
19 proof of the water users under such permit and the final certificate of  
20 appropriation shall refer to both the ditch and works described in the  
21 secondary permit and the reservoir described in the primary permit.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.44 RCW  
23 to read as follows:

24 The department, when evaluating an application for the right to  
25 withdraw ground water filed pursuant to RCW 90.44.050 or 90.44.100,  
26 shall take into consideration the increase in water supply resulting  
27 from an impoundment of water that is a component of the application,  
28 including any recharge of ground water that may occur. The department  
29 shall allow for impoundment and release of surface water to mitigate  
30 for the withdrawal of ground water in the same basin taking into  
31 consideration the natural interrelationship between ground waters and  
32 surface waters.

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